

STATEMENT OF SCOPE

PODIATRY AFFILIATED CREDENTIALING BOARD

Rule No.: 165-Pod 4

Relating to: Biennial Registration

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of this proposed rule is to amend the biennial registration date in Wis. Admin. Code s. Pod 4.01 and Pod 4.03 (2).

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

The purpose of this proposed rule is to amend an inconsistency regarding the biennial registration date for podiatrists. Currently, Wis. Admin. Code s. Pod 4.01 and s. 4.03 (2) state the biennial registration date is November 1 of each odd-numbered year. Wis. Stats. § 440.08 (2) (a) 60., states that the renewal date is November 1 of each even-numbered year. The statute is controlling. Therefore, Wis. Admin. Code s. Pod 4.01 and 4.03 (2) must be amended to reflect the correct date. There are no new policies proposed by the rule.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 227.11 (2) (a), Stats., discusses the parameters of an agency's rule-making authority stating an agency, "may promulgate rules interpreting the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of any statute, but a rule is not valid if it exceeds the bounds of correct interpretation." Section 227.01 (1), Stats., defines agency as a board. The Podiatry Affiliated Credentialing Board falls within that definition. Therefore, the Board may promulgate administrative rules which interpret the statutes it enforces or administers as long as the proposed rule does not exceed proper interpretation of the statute.

Section 448.05 (2) Stats., states that, "[t]he renewal date for a license granted under this subchapter, . . . is specified under s. 440.08 (2) (a), . . ." The renewal date specified under s. 440.08 (2) (a) 60. is November 1 of each even-numbered year. The proposed rule would change the current language to mirror the statutory requirement.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

State employees will spend approximately 50 hours developing the proposed rule.

6. List with description of all entities that may be affected by the proposed rule:

Individuals that will be affected by the proposed rule include licensed podiatrists and applicants for podiatry licensure.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

No comparable proposed or current federal regulations dealing with this issue exist.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

This rule is not likely to have any economic impact on small businesses.

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Department Head or Authorized Signature

Date Submitted